

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

**Joseph Breitfelder,
Plaintiff**

-vs-

Case No. 1:01-cv-617

**Simon Leis, et al.,
Defendants**

JUDGMENT

Jury Verdict.

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X

Decision by Court.

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED that defendants' motion for summary judgment on plaintiff's disability discrimination claims is GRANTED. Plaintiff's disability discrimination claims are DISMISSED WITH PREJUDICE. Defendants' motion for summary judgment on its counterclaims for reimbursement of OIL benefits is MOOT and is DISMISSED WITHOUT PREJUDICE. Defendants' motion to strike and plaintiff's motion to file surreply are MOOT.

Date: September 20, 2004

James Bonini, Clerk

By: s/Mary C. Brown
Mary C. Brown, Deputy Clerk